Remarks

In view of the above amendments and the following remarks, reconsideration and further examination are requested.

Applicant hereby requests that the Information Disclosure Statement (IDS) filed with the Patent Office on January 25, 2005 be considered by the Examiner. Applicant also requests that the Examiner return an initialed copy of the form PTO-1449 which was filed as part of the IDS of January 25. 2005. Enclosed are copies of the IDS, form PTO-1449, and references filed on January 25, 2005, and a date-stamped postcard receipt as evidence of the filing for the Examiner's review.

The specification and abstract have been reviewed and revised to make a number of editorial revisions. A substitute specification and abstract have been prepared and are submitted herewith. No new matter has been added.

Claims 1-6 have been rejected under 35 U.S.C. §102(e) as being anticipated by Kinouchi (US 6,805,217). Claim 5 has been rejected under 35 U.S.C. §102(b) as being anticipated by Chamberlain (US 4,140,198) or Alderman (US 4,179,016). Claim 6 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Chamberlain or Alderman.

Claim 6 has been cancelled without prejudice or disclaimer to the subject matter contained therein.

Regarding Kinouchi, it is noted that the reference has an earliest publication date of April 1, 2004 and a filing date of August 22, 2003. The present application has a filing date of August 27, 2003 and claims priority to JP 2002-248848 filed on August 28, 2002, which is prior to the filing date of August 22, 2003 of Kinouchi. Enclosed herewith is an English language translation of JP 2002-248848 along with a statement verifying the accuracy of the translation. It is submitted that claims 1-5 are supported by the priority document. As a result, Kinouchi can no longer be used as a reference against claims 1-5 and the above-mentioned rejection based thereon is moot.

Claim 5 has been amended so as to further distinguish it from Chamberlain and Alderman.

Further, claims 1, 4 and 5 have been amended to make a number of editorial revisions. These revisions have been made to place the claims in better U.S. form. None

of these amendments have been made to narrow the scope of protection of the claims, nor to address issues related to patentability and therefore, these amendments should not be construed as limiting the scope of equivalents of the claimed features offered by the Doctrine of Equivalents.

It is submitted that amended claim 5 is patentable over Chamberlain and Alderman for the following reasons.

Claim 5 is patentable over Chamberlain and Alderman, since claim 5 recites a brake cooling mechanism including, in part, a casing for housing a final reduction gear for rear wheels and a wet multiple-disk braking device which is mounted in front of the final reduction gear in a direction of forward movement of the four-wheeled vehicle. Chamberlain and Alderman both fail to disclose or suggest the casing recited in claim 5.

Chamberlain discloses a wheel assembly for a vehicle 10 that is connected to a differential 38 via an axle shaft 48 located in a housing 40. The wheel assembly includes a disc brake assembly 64 and a double stage reduction gearing system 98 which is final drive reduction system. The axle shaft 48 passes through the disc brake assembly 64 and connects to the final drive reduction system 98 to rotate a wheel and tire 30. (See column 4, lines 22-32 and 48-53; column 5, lines 9-46 and Figures 2 and 3).

As discussed above and illustrated in Figures 2 and 4, the disc brake assembly 64 and the final drive reduction system 98 are positioned within the wheel assembly so as to be concentric with the axle shaft 48 which is connected to the differential 38. Further, it is apparent that the axle shaft 48 is positioned so as to be perpendicular to a direction of forward movement of the vehicle 10. Therefore, while the disc brake assembly 64 is positioned within the wheel assembly so as to be closer to the differential 38 than the final drive reduction system 98, it is apparent that the disc brake assembly 64 is not positioned in front of the final drive reduction system 98 in the direction of forward movement of the vehicle 10. Instead, the disc brake assembly 64 and the final drive reduction system 98 are necessarily positioned side by side in the direction of forward movement, since both the disc brake assembly 64 and the final drive reduction system 98 are concentric with the axle shaft 48. As a result, Chamberlain fails to disclose or suggest the present invention as recited in claim 5.

As for Alderman, it discloses a final drive assembly in a casing 10 for a vehicle that is connected to a differential in a casing 11 via a half shaft 12. The final drive assembly includes a multi-disc brake including a pair of friction disc sets 22 and 23, a pair of pressure plates 24 and 25, a number of balls 26 and tension springs 52, and speed reduction gearing including a pinion 17 and a gear 18. The half shaft 12 passes through the multi-disc brake and connects to the speed reduction gearing to rotate a flange 16 to which a wheel is attached. (See column 1, lines 37-66 and Figures 1-3).

Similar to Chamberlain and as illustrated in Figures 1 and 3, the multi-disc brake and the speed reduction gearing of Alderman are positioned within the final drive assembly so as to be concentric with the half shaft 12 which is connected to the differential 11. Further, it is apparent that the half shaft 12 is positioned so as to be perpendicular to a direction of forward movement of the vehicle. Therefore, while the multi-disc brake is positioned within the final drive assembly so as to be closer to the differential 11 than the speed reduction gearing, it is apparent that the multi-disc brake is not positioned in front of the speed reduction gearing in the direction of forward movement of the vehicle. Instead, the multi-disc brake and the speed reduction gearing are necessarily positioned side by side in the direction of forward movement, since both the multi-disc brake and the speed reduction gearing are concentric with the half shaft 12. As a result, Alderman also fails to disclose or suggest the present invention as recited in claim 5.

Because of the above-mentioned distinctions, it is believed clear that claims 1-5 are allowable over the references relied upon in the rejections. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1-5. Therefore, it is submitted that claims 1-5 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

Izumi TAKAGI

By: _____
David M. Ovedovitz
Registration No. 45,336
Attorney for Applicant

DMO/jmj
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
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